



General Assembly

January Session, 2009

Committee Bill No. 543

LCO No. 3596

03596SB00543JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING SENTENCE REVIEW.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-39 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) At any time during the period of a definite sentence, [of three
4 years or less,] the sentencing court or judge may, after hearing and for
5 good cause shown, reduce the sentence, order the defendant
6 discharged, or order the defendant discharged on probation or
7 conditional discharge for a period not to exceed that to which the
8 defendant could have been originally sentenced.

9 [(b) At any time during the period of a definite sentence of more
10 than three years, upon agreement of the defendant and the state's
11 attorney to seek review of the sentence, the sentencing court or judge
12 may, after hearing and for good cause shown, reduce the sentence,
13 order the defendant discharged, or order the defendant discharged on
14 probation or conditional discharge for a period not to exceed that to
15 which the defendant could have been originally sentenced.]

16 [(c)] (b) The provisions of this section shall not apply to any portion
17 of a sentence imposed that is a mandatory minimum sentence for an
18 offense which may not be suspended or reduced by the court.

19 [(d)] (c) At a hearing held by the sentencing court or judge under
20 this section, such court or judge shall permit any victim of the crime to
21 appear before the court or judge for the purpose of making a statement
22 for the record concerning whether or not the sentence of the defendant
23 should be reduced, the defendant discharged or the defendant
24 discharged on probation or conditional discharge pursuant to
25 subsection (a) [or (b)] of this section. In lieu of such appearance, the
26 victim may submit a written statement to the court or judge and the
27 court or judge shall make such statement a part of the record at the
28 hearing. For the purposes of this subsection, "victim" means the victim,
29 the legal representative of the victim or a member of the deceased
30 victim's immediate family.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2009	53a-39
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Statement of Purpose:

To delete the prohibition on a defendant seeking review by the sentencing court of a sentence in excess of three years unless the prosecutor agrees to such review.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]